

ORAL ARGUMENT SCHEDULED FOR FEBRUARY 20, 2019

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN FUEL & PETROLEUM
MANUFACTURERS, et al.,

Petitioners,

V.

ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

No. 17-1258 (and consolidated cases)

**ERRATA FILED BY INTERVENORS FOR RESPONDENT
RENEWABLE FUELS ASSOCIATION, GROWTH ENERGY, AND
THE NATIONAL BIODIESEL BOARD**

Intervenors for Respondent Renewable Fuels Association, Growth Energy, and the National Biodiesel Board respectfully submit this Errata to the initial Brief for Intervenors Renewable Fuels Association, Growth Energy, and the National Biodiesel Board in Support of Respondent Environmental Protection Agency (ECF No. 1760172) as follows:

1. On page 4: “*See* RTC at 27 (JA __) (“Decisions...are made by third parties whose activities are not required by EPA’s renewable fuels standards and...are likely influenced by a number of market inputs....”).”

Corrected quotation to make “fuels” singular: “*See* RTC at 27 (JA 1250)

(“Decisions...are made by third parties whose activities are not required by EPA’s renewable fuel standards and...are likely influenced by a number of market inputs....”).”

2. On page 7: “*Nat’l Wildlife Fed’n v. Nat’l Marine Fisheries Serv.*, 524 F.3d 917, 928 (9th Cir.2008) (quoting *Home Builders*, 551 U.S. at 666);”

Added space before “2008”: “*Nat’l Wildlife Fed’n v. Nat’l Marine Fisheries Serv.*, 524 F.3d 917, 928 (9th Cir. 2008) (quoting *Home Builders*, 551 U.S. at 666)”

3. On page 8: “*Miccosukee Tribe of Indians of Fla. v. U.S.*, 2009 WL 2872989, at *2 (S.D. Fla. 2009) (Congress’s mandate in legislation for Army Corps to build a bridge or causeway was not a discretionary action requiring consultation).”

Corrected “U.S.” to “United States” and added full date of opinion:

“*Miccosukee Tribe of Indians of Fla. v. United States*, 2009 WL 2872989, at *2 (S.D. Fla. Sept. 1, 2009) (Congress’s mandate in legislation for Army Corps to build a bridge or causeway was not a discretionary action requiring consultation).”

4. On page 12: “D. Endangered Species Act Consultation is Incompatible with EPA’s Mandate to Implement the RFS.”

Capitalized “Is”: “D. Endangered Species Act Consultation Is Incompatible with EPA’s Mandate to Implement the RFS.”

These are corrections made in addition to adding references to the Joint Appendix and updated certificates and tables. Each of the foregoing errors has been corrected in the Final Brief for Intervenors Renewable Fuels Association, Growth Energy, and the National Biodiesel Board in Support of Respondent Environmental Protection Agency.

Respectfully submitted,

/s/ Matthew W. Morrison

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CERTIFICATE OF SERVICE

I certify that on this 10th day of January, 2019, I caused a copy of the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the Court's CM/ECF system, which will provide service upon all registered counsel.

/s/ Matthew W. Morrison

Matthew W. Morrison